

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17391 OF 2007

Dated 14-08-2007

Between:

M/s Hanuman Constructions

...Petitioner

And

The Joint Commissioner and another

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17391 OF 2007

ORDER *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The grievance of the petitioner is that pending disposal of the appeals filed by him before the Sales Tax Appellate Tribunal and also the stay applications before the Joint Commissioner-the first respondent, the Department is taking coercive steps for recovery of the disputed demands.

Since the appeals are pending before the Tribunal and the applications for stay are also pending before the first respondent, therefore, we feel that if stay of recovery is granted to the petitioner subject to payment of 50% of the disputed demand, the interest of justice would be met.

Therefore, we dispose of the writ petition directing that there shall be stay of recovery of the disputed demand till disposal of the appeals before the Tribunal on condition of payment of 50% of the disputed demand by the petitioner, within a period of four weeks from today. If the petitioner has already paid any amounts towards the

disputed demand, while calculating 50% of the disputed demand, the amounts already paid by the petitioner shall be given credit to. However, if the amounts are not deposited within the period of four weeks as stipulated hereinabove, the Department shall be at liberty to take appropriate measures. No order as to costs.

(Bilal Nazki,J)

Dated 14th August, 2007

(Nooty Ramamohana Rao,J)

Note: Issue wire at party's cost

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